

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO.: 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the natural parent and guardian of JALEN IRVING,	)	
JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON,	)	
individually and as the natural parent and guardian of ROBERT WHITLEY, ZIYEL WHITLEY, DYAMOND WHITLEY,	)	
KAMISHA WHITLEY, and NANETTA GRANT as the natural parent and guardian of ZIQUIS GRANT,	)	
Plaintiffs,	)	<b>MEMORANDUM IN SUPPORT OF DEFENDANTS RISHAR PIERRE MONROE, JULIEN DAVID RATTELADE AND MEGHAN CAROLINE GAY'S PARTIAL MOTION TO DISMISS</b>
vs.	)	
THE CITY OF RALEIGH, Officer OMAR I. ABDULLAH, Sergeant WILLIAM ROLFE, Officer RISHAR PIERRE MONROE, Officer JULIEN DAVID RATTELADE, and Officer MEGHAN CAROLINE GAY, and JOHN and JANE DOE Officers 1-10, in their individual capacities,	)	(Fed. R. Civ. P. 12(b)(6))
Defendants.	)	

This matter is before the Court on Rishar Pierre Monroe, Julien David Rattelade and Meghan Caroline Gay's (hereafter "Defendants") partial motion to dismiss Plaintiff's Fifth Claim, alleging a "civil conspiracy" pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

**INCORPORATION BY REFERENCE**

In the interests of judicial economy, Defendants incorporate and adopt the "Statement of Case and Relevant Facts Alleged by Plaintiffs" and "Argument" submitted by Defendant Sgt. William Rolfe (in DE 31) as these same arguments support Defendants' partial motion to dismiss.

## **CONCLUSION**

Based on the authorities cited in DE 31, including, but not limited to, *Buschi v. Kirven*, 775 F.2d 1240 (4<sup>th</sup> Cir. 1987), which are incorporated herein by reference, Plaintiffs' Fifth Claim alleging a civil conspiracy between Defendants and other officers of the Raleigh Police Department should be dismissed with prejudice.

This the 29<sup>th</sup> day of April, 2022.

By: /s/ Samuel G. Thompson, Jr.  
RODNEY E. PETTEY  
N.C. State Bar No.: 17715  
[rpettey@ymwlaw.com](mailto:rpettey@ymwlaw.com)  
SAMUEL G. THOMPSON, JR.  
N.C. State Bar No.: 32960  
[bthompson@ymwlaw.com](mailto:bthompson@ymwlaw.com)  
Yates, McLamb & Weyher, LLP  
Post Office Box 2889  
Raleigh, North Carolina 27602  
Telephone: (919) 835-0900  
*Counsel for Rishar Pierre Monroe,  
Julien David Rattelade and Meghan  
Caroline Gay each in their Individual Capacity*

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natural parent and guardian of JALEN IRVING, )  
JUWAN HARRINGTON, CYDNEEA )  
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individually and as the natural parent and )  
guardian of ROBERT WHITLEY, ZIYEL )  
WHITLEY, DYAMOND WHITLEY, )  
KAMISHA WHITLEY, and NANETTA )  
GRANT as the natural parent and guardian of )  
ZIQUIS GRANT, )  
)  
Plaintiffs, )  
vs. )  
)  
THE CITY OF RALEIGH, Officer OMAR I. )  
ABDULLAH, Sergeant WILLIAM ROLFE, )  
Officer RISHAR PIERRE MONROE, Officer )  
JULIEN DAVID RATTELADE, and Officer )  
MEGHAN CAROLINA GAY, and JOHN and )  
JANE DOE Officers 1-10, in their individual )  
capacities,

**CERTIFICATE OF SERVICE**

Defendants.

I certify that on April 29, 2022, I electronically filed the foregoing **MEMORANDUM IN SUPPORT OF DEFENDANTS RISHAR PIERRE MONROE, JULIEN DAVID RATTELADE AND MEGHAN CAROLINE GAY'S PARTIAL MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Abraham Rubert-Schewel  
Tin Fulton Walker & Owen, PLLC  
119 E. Main St.  
Durham, NC 27701  
Email: [schewel@tinfulton.com](mailto:schewel@tinfulton.com)  
*Counsel for Plaintiffs*

Emily D. Gladden  
Tin Fulton Walker & Owen, PLLC  
204 N. Person St.  
Raleigh, NC 27601  
Email: [Egladden@tinfulton.com](mailto:Egladden@tinfulton.com)  
*Counsel for Plaintiffs*

Michael L. Littlejohn, Jr.  
Littlejohn Law PLLC  
P.O. Box 16661  
Charlotte, NC 28297  
Email: [mll@littlejohn-law.com](mailto:mll@littlejohn-law.com)  
*Counsel for Plaintiffs*

Ian A. Mance  
Emancipate NC  
P.O. Box 309  
Durham, NC 27702  
Email: [ian@emancipatenc.com](mailto:ian@emancipatenc.com)  
*Counsel for Plaintiffs*

Elizabeth G. Simpson  
Emancipate NC  
P.O. Box 309  
Durham, NC 27702  
Email: [elizabeth@emancipatenc.com](mailto:elizabeth@emancipatenc.com)  
*Counsel for Plaintiffs*

Dorothy Kibler  
Deputy City Attorney  
P.O. Box 590  
Raleigh, NC 27602  
Email: [Dorothy.Kibler@raleighnc.gov](mailto:Dorothy.Kibler@raleighnc.gov)  
*Counsel for Defendant The City of Raleigh*

Jason R. Benton  
Parker Poe Adams & Bernstein, LLP  
620 South Tryon Street, Suite 800  
Charlotte, NC 28202  
Email: [jasonbenton@parkerpoe.com](mailto:jasonbenton@parkerpoe.com)  
*Counsel for Defendant Omar Abdullah*

Norwood P. Blanchard, III  
Crossley McIntosh Collier Hanley & Edes,  
PLLC  
5002 Randall Parkway  
Wilmington, NC 28403  
Email: [norwood@cmclawfirm.com](mailto:norwood@cmclawfirm.com)  
*Counsel for Defendant William Rolfe*

By: /s/ Samuel G. Thompson, Jr.  
RODNEY E. PETTEY  
N.C. State Bar No.: 17715  
[rpettey@ymwlaw.com](mailto:rpettey@ymwlaw.com)  
SAMUEL G. THOMPSON, JR.  
N.C. State Bar No.: 32960  
[bthompson@ymwlaw.com](mailto:bthompson@ymwlaw.com)  
Yates, McLamb & Weyher, LLP  
Post Office Box 2889  
Raleigh, North Carolina 27602  
Telephone: (919) 835-0900  
Facsimile: (919) 835-0910  
*Counsel for Rishar Pierre Monroe,  
Julien David Rattelade and Meghan  
Caroline Gay each in their Individual  
Capacity*